IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Bail Appl..No. 7604 of 2006()

CMP.1321/2006 of SESSIONS COURT, KALPETTA
CP.28/2006 of J.M.F.C.-I, MANANTHAVADY
CRIME NO.66/06 OF THALAPPUZHA POLICE STATION.

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PETITIONER/ACCUSED:

JAGADEESH, S/O.SHANMUGHAN, AGED 26,
MUZHAVANAL HOUSE, VAYYODE, IRUMANATHOOR PERIYA AMSOM,
ALATTIL (P.O.), MANATHAVADY, WAYANAD DISTRICT.

BY ADV. SRI.S.M.PRASANTH
DR.K.BALAKRISHNAN

RESPONDENT: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI A.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.7604 OF 2006

DATED THIS THE 21st DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the accused in Crime No.66/06 of Thalappuzha Police Station for offences punishable under section 376 IPC and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeks his enlargement on bail. The occurrence is alleged to have been committed some time in May, 2005. The complaint was filed on 9.5.2006, that is, after the de facto complainant gave birth to a male child on 9.3.2006.

2. Learned Public Prosecutor submitted that even though the investigation of the case has been over and the charge has been laid and the case is pending as C.P.No.28/06 before the J.F.C.M.-I, Mananthavady, since the accused was not arrested, nor any potency test conducted, he has advised the Investigating Officer to conduct a further investigation under section 173(8) Cr.P.C. But that is not a ground to continue detention of the petitioner who was remanded to judicial custody on 2.12.2006 by the committal Magistrate. The petitioner is accordingly released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Mananthavady and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

4. The petitioner shall make himself available for interrogation as and when required by the Police in the event of there being any further investigation.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn